



Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 700.00

APPLICANT/OWNER:

1. Name: Lodgepole, Inc. Phone: 755-6099
2. Mail Address: 1001 South Main Street
3. City/State/Zip: Kalispell, Montana 59901
4. Interest in property: Owner

Check which applies:

☐

Map Amendment

☒

Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Thomas Hoover Phone: 755-6099
Mailing Address: P.O. Box 997
City, State, Zip: Kalispell, Montana 59903
Email: xjrhoover@gmail.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

See attached -

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 836 Holt Drive
- B. Legal Description: Lot 1 of EAGLE BEND SALES COMPLEX
(Lot/Block of Subdivision or Tract #)
- 26 - 20 - 19
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 1.683
- D. Zoning District: Bigfork
- E. The present zoning of the above property is: RC1
- F. The proposed zoning of the above property is: RC1

- G. State the changed or changing conditions that make the proposed amendment necessary: commercial buildings in RCl limited to real estate offices have evolved into use by professional disciplines such as attorneys, architects, mortgage brokers, psychologists, physical therapists, etc.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.

LODGEPOLE, INC.

Thomas Hoover
Owner/Applicant Signature(s)

October 20, 2010
Date

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ATTACHMENT TO PETITION FOR ZONING TEXT AMENDMENT APPLICANT: LODGEPOLE INC.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood plan:

The Bigfork Neighborhood Plan a/k/a Bigfork Planning Area, a/k/a Bigfork Land Use Plan and sometimes referred to as the Bigfork Planning and Zoning District has been adopted by the Flathead County Commissioners and made a part of the Growth Policy. The plan/district designates the applicant's property as RC-1. The definition of RC-1 is centered around a master planned community with central recreational focus, in this case Eagle Bend golf course. Conditional uses allowed in this district include a real estate office. Over the last 15 years professionals have moved their offices into this area including attorneys, architects, mortgage brokers, psychologists, physical therapists, etc. To accommodate these professionals, applicant proposes to add "Professional Offices" as a conditional use to section 3.14.030. Professional offices is defined in the Flathead County Zoning Regulations as:

Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as physicians and dentists but wherein no overnight care for patients is given and by engineers, attorneys, architects, accountants and by other persons providing services utilizing training in and the knowledge of mental disciplines as distinguished from training in occupations requiring mechanical skill or manual dexterity or the handling of commodities.

The Bigfork Neighborhood Plan explains that RC-1 is suburban residential where commercial and industrial land uses are not appropriate (mixed uses are accommodated in some commercial zones). However the plan goes on to say at 21.1 Residential Development: "Mixed use development, combining commercial and residential uses, shall be considered. (page 49). Moreover, a conclusion and objective of the plan is: "commercial development should be supported in existing zoned areas, in nodes, and not strip commercial patterns". (page 29 and 31). The natural migration of professionals to this area meets the needs of the residents in the area and the community at large. The applicant's property located in an existing "business node" and allows an alternative to locating in the strip areas.

A stated goal and policy of the Bigfork Area Plan is to serve the public interest by considering amendment to the land use map in order to accommodate changes of land use. (page 92). While not technically a change in land use the proposed amendment would allow use in the District that is already occurring and the amendment would be consistent with the Bigfork Zoning District.

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2. **Is the proposed amendment designed to:**

a. Secure safety from fire and other dangers:

Activities carried on in professional offices are not inherently dangerous and allowing them as a conditional use would not present any fire or other dangers.

b. Promote public health, public safety and the general welfare:

Allowing professional offices would facilitate the provision of health care and professional services associated with a real estate office (an allowed conditional use) in close proximity to the residents of the area.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements:

While the amendment would expand the nature of businesses allowed it would not increase the number of persons in the area consequently there would be no adverse impact on transportation, water, sewerage, schools, parks and other public requirements.

3. **Does the proposed amendment consider:**

a. The reasonable provision of adequate light and air:

The amendment will not alter the bulk and dimensional requirements in the RC-1 zone. Minimum lot sizes and widths, setback requirements and height restrictions will remain the same, therefore, the amendment will not adversely affect light and air in the district.

b. The effect of motorized and non-motorized transportation systems:

Professional offices do not cause substantial traffic either motorized or non-motorized particularly in an area where real estate offices are presently allowed. Adding professional offices as an additional conditional use would not result in an increase or decrease to present transportation systems.

c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities:

The zoning district is in a semi rural setting distant from cities, towns and municipalities. There would not be a compatibility issue regarding the proposed amendment.

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d. The character of the district and its peculiar suitability for particular uses:

RC-1 is of a unique character as it is intended to provide a residential theme in a rural environment via a master planned community with a central recreational focus. It appears to be tailored specifically for Eagle Bend golf course with the allowance of commercial elements through conditional use permits in nodes already created by the developer (office building for real estate sales and health club). The amendment would not alter the character or nature of the district but would allow compatible uses to those conditional uses presently allowed.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area:

The amendment would not decrease the value of residential buildings although the value of an existing commercial building value may be increased by allowing professional offices. In this instance, the surrounding land is regulated not only by a zoning ordinance but through a declaration of covenants, conditions and restrictions which the project developers determined the most appropriate use of the land. Further, the amendment allowing professional offices would not have an adverse impact on the value of buildings in the sense that such use will not generate noise, late hours of operation, odors, increased traffic or visual impacts from exterior displays.

4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities:

There are no nearby municipalities. The RC-1 zoning designation is unique to the Bigfork Zoning district and particularly to the Eagle Bend development. The proposed amendment is not incompatible with any other zoning ordinance in the county.

END

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